
Findings of Coroner Simon Cooper following the holding of an inquest under the *Coroners Act 1995* into the death of

Darlene Avis Geertsema

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Record of Investigation into Death (With Inquest)

Coroners Act 1995
Coroners Rules 2006
Rule 11

I, Simon Cooper, Coroner, having investigated the death of Darlene Avis Geertsema with an inquest held at Launceston in Tasmania, make the following findings.

Hearing dates

13- 15 December 2021 at Launceston in Tasmania

Representation

M Cox SC – Counsel Assisting the Coroner

G Richardson – Mr John Shepherd

Introduction

1. On Monday 23 October 1978, Darlene Avis Geertsema disappeared from her home at 58B Best Street Devonport. No one has seen or heard from her since. Two days later, on Wednesday 25 October 1978, John Shepherd, her then partner, reported her missing to local Police.¹ Mr Shepherd told police that he had found Ms Geertsema's red Holden Sunbird sedan² parked on grassland near the Devonport Oval, not far from the Bluff, at the mouth of the Mersey River. Police on patrol had reportedly noticed the car near the oval at about 7.30 in the morning of Tuesday, 24 October.
2. After Mr Shepherd reported Ms Geertsema missing, police went to the car and forced entry. Contemporary police investigative records indicate that a pair of ladies shoes and some photographs were found in the vehicle, but nothing else.
3. It is obvious that police at the time treated Ms Geertsema's disappearance as not suspicious.³ Their approach would have been very different if Ms Geertsema disappeared today.
4. There has been no trace of Ms Geertsema since that night in Devonport in 1978. After an initial investigation at the time, aside from the occasional review, although the investigation remained open, nothing in particular was done to investigate Ms

¹ Exhibit C52, Missing Person Report, 25 October 1978.

² Registration number AS 4119

³ See for example Exhibit C9, Report - Detective Constable Lutz, dated 9 November 1978.

Geertsema's disappearance until July 2013, when the matter was assigned to Detective Senior Constable Felicity Boyd (she has since been promoted). Detective Sergeant Boyd thereafter carried out a comprehensive review of the case. The review included obtaining and reviewing the original investigation file, obtaining statements from relevant witnesses, friends, family and retired investigators and executing search warrants where appropriate. A substantial reward was also offered for assistance from the public.

5. Detective Sergeant Boyd's review led to Ms Geertsema's disappearance being reported pursuant to the *Coroners Act 1995* as a suspected death. This finding, following inquest, is a result of that review.

What a coroner does

6. Before considering the circumstances of Ms Geertsema's suspected death, it is necessary to say something about the role of the coroner. In Tasmania, a coroner has jurisdiction to investigate any death which is reportable (and death includes 'suspected death'⁴). Reportable deaths include deaths that have occurred in Tasmania and appear to have been "unexpected, unnatural or violent or to have resulted directly or indirectly from an accident or injury or the cause of which is unknown". Ms Geertsema's suspected death meets this definition.
7. If a coroner suspects, on reasonable grounds, that the death in question was the result of homicide an inquest must be held⁵. For reasons which will emerge in this finding I suspected, and continue to suspect, that Ms Geertsema was the victim of homicide. Therefore an inquest – a public hearing⁶ – was mandatory.
8. When a coroner conducts an inquest, they perform a role very different to other judicial officers. The Australian legal system is, in the main, an adversarial process. The coroner's role on the other hand is inquisitorial. An inquest might be described as a quest for the truth, rather than a contest between parties to either prove or disprove a case. The coroner's task is to try to find out what happened, to who and why.
9. A coroner is required to thoroughly investigate the death and answer the questions (if possible) that section 28(1) of the *Coroners Act 1995* asks. These questions include who the deceased was, how they died, the cause of the person's death and where and when the person died. This process requires the making of various findings, but

⁴ See section 3 of the *Coroners Act 1995*.

⁵ *Op cit* – section 24 (1)(a).

⁶ Above n 4.

without apportioning legal or moral blame for the death⁷ – a difficult task when homicide is suspected. The job of the coroner is to make findings of fact about the death from which others may draw conclusions. A coroner may, if she or he thinks fit, make comments about the death or, in appropriate circumstances, recommendations to prevent similar deaths in the future.

10. It is important to recognise that a coroner does not punish or award compensation to anyone. Punishment and compensation are for other proceedings in other courts, if appropriate. Nor does a coroner charge people with crimes or offences arising out of a death that is the subject of investigation.⁸ In fact a coroner may not even say that she or he thinks a person may be guilty of an offence in relation to the matter the subject of the finding.
11. As was noted above, one matter that the *Coroners Act 1995* requires, is a finding (if possible) as to how the death occurred. ‘How’ has been determined to mean “by what means and in what circumstances,”⁹ a phrase which involves the application of the ordinary concepts of legal causation.¹⁰ Any coronial inquest necessarily involves a consideration of the particular circumstances surrounding the particular death so as to discharge the obligation imposed by section 28(1)(b) upon the coroner.
12. The standard of proof at an inquest is the civil standard. This means that where findings of fact are made, a coroner needs to be satisfied on the balance of probabilities as to the existence of those facts. However, if an inquest reaches a stage where findings being made may reflect adversely upon an individual, it is well-settled that the standard applicable is that expressed in *Briginshaw v Briginshaw*,¹¹ that is, that the task of deciding whether a serious allegation against anyone has been established or proved should be approached with a good deal of caution.
13. An additional consideration, perhaps the first consideration, in the case of missing persons and suspected deaths is that the coroner must be satisfied to the requisite legal standard, on the basis of evidence, that the person in question is actually dead. In the case of Ms Geertsema, I am well satisfied that she is dead and has been since about Monday 23 October 1978. The reasons for reaching this conclusion will become clear from what follows in this finding.

⁷ *R v Tennent; Ex Parte Jager* [2000] TASSC 64.

⁸ This was not the situation historically. The coroner could and did prefer charges arising out of deaths being investigated (see section 16 of the *Coroners Act 1957*). Furthermore until the late 19th Century the Coroner’s verdict served as the indictment upon which a person was tried for murder and other crimes.

⁹ See *Atkinson v Morrow* [2005] QCA 353.

¹⁰ See *March v E. & M.H. Stramare Pty. Limited and Another* [1990 – 1991] 171 CLR 506.

¹¹ (1938) 60 CLR 336 (see in particular Dixon J at page 362).

14. The final consideration I should explain is the need to afford what lawyers call procedural fairness (or natural justice)¹². This means in the context of an inquest that any person who may be the subject of adverse findings must be given fair warning of that likelihood, provided with access to all the relevant evidence the coroner will hear at the inquest and be allowed to be legally represented and present their side of the story. Mr John Shepherd was identified as being a person of interest in the disappearance and suspected death of Ms Geertsema. Accordingly, he was notified in advance of the inquest that he was suspected of being directly involved in her disappearance and death, and as such was at risk of adverse findings. He was provided full disclosure before the inquest and so was his lawyer, once engaged by Mr Shepherd.
15. Both the concept of natural justice and the so-called *Briginshaw* standard are matters of central importance in an inquest such as this. However, before considering the evidence generally, it is necessary to look at the evidence as it particularly relates to the likelihood of Ms Geertsema still being alive, because if she is still alive, a fundamental fact which goes to the heart of the jurisdiction of any coroner has not been established.

Why I am satisfied Ms Geertsema is dead

16. Ms Geertsema's disappearance was investigated by police in 1978. No conclusion as to what had become of her was reached at the time. In terms of formal investigation, the next thing that really happened was a comprehensive review of the investigation which commenced in 2013. That review involved, *inter alia*, carrying out extensive "proof of life" investigations.¹³
17. In summary those investigations revealed as at 2013:
- There had been no confirmed sightings of Ms Geertsema for 43 years;
 - Centrelink did not hold any records in the name of Darlene Avis Geertsema, Darlene Avis Styles or Darlene Avis Shepherd with a date of birth 29 November 1947;
 - National Coronial Information Service records also did not hold records in any of those names;
 - Since 1972 there was no medical record relating to Ms Geertsema located anywhere in Australia;

¹² See *Annetts v McCann* (1990) 170 CLR 596.

¹³ See exhibit C62, pages 86-88 generally.

- The Australian Taxation Office confirmed that the last income tax return submitted in the name of Ms Geertsema was the 1977/1978 financial year;
 - The Australian Electoral Commission confirmed no listing for Darlene Avis Geertsema, Darlene Avis Styles or Darlene Avis Shepherd;
 - The Australian Border Force confirmed there were no records of onshore or offshore movements in the names Darlene Avis Geertsema, Darlene Avis Styles or Darlene Avis Shepherd;
 - All travel checks with air and sea transport agencies from Tasmania since 1978 in the names of Darlene Avis Geertsema, Darlene Avis Styles and Darlene Avis Shepherd were negative;
 - All checks conducted with AUSTRAC and all national banking institutions in the same names for the same period were negative;
 - All checks with all State and Territory Births, Deaths and Marriages units during the same time frame and in respect of the same names returned a negative result;
 - There were no records in Tasmania relating to probate applications in the names Darlene Avis Geertsema, Darlene Avis Styles and Darlene Avis Shepherd in the same timeframe;
 - There were no records since 22 March 1976 which concerned a minor stealing conviction, in the National Criminal Intelligence System, in relation to Darlene Avis Geertsema, Darlene Avis styles and Darlene Avis Shepherd;
 - No records existed with the Federal Family Court in relation to any proceedings in that jurisdiction in the same names;
 - There were no records held by any of the national telecommunications providers Telstra, Optus and TPG for both fixed and mobile telecommunication services or subscriptions in the names Darlene Avis Geertsema, Darlene Avis Styles and Darlene Avis Shepherd since 1978; and
 - No one with those names had a profile on the social media platforms 'Instagram', 'Facebook', 'Twitter' and 'Tik-Tok' (although I observe that a Tik-Tok account would be an unusual one for a lady of Ms Geertsema's age were she still to be alive).
18. I do not overlook Mr Colin Jarman's evidence that he saw Ms Geertsema in Brisbane Street, near Myer in Launceston some four or five months after she had been reported missing.¹⁴ He told police this in 2015 (but at no stage earlier) and reaffirmed it in his oral evidence at the inquest. Although claiming that he could not be mistaken

¹⁴ Exhibit C42.

about who we saw he acknowledged that the sighting was fleeting and he had seen her from a distance of 40 or 50 yards.¹⁵

19. I consider that Mr Jarman was mistaken about this aspect of his evidence. I do not think that he was deliberately untruthful; rather it seems much more likely that he was either mistaken as to the identity of the woman that he saw or the date when he saw her. His 'sighting' simply is against the weight of all other evidence. I do not consider that it can possibly have been correct. I reject it.
20. There is no evidence that anything has changed since 2013. Indeed, several of the witnesses at the inquest said they had not seen or heard from Ms Geertsema since 1978. In short there is no evidence that Ms Geertsema is alive and has been since late October 1978. I am quite satisfied she is dead. No other reasonable conclusion is open on the evidence.

Ms Geertsema's Background

21. Ms Geertsema was born Darlene Avis Styles on 29 November 1947 on King Island, off the north western tip of Tasmania. Both her parents, Leonard and Elizabeth ('Betty') are dead. Ms Geertsema grew up on King Island where she met and married Siert Fokko Geertsema on 2 April 1965, when aged just 17 years and Mr Geertsema, 19 years. At that time, Ms Geertsema was already pregnant with twins Elizabeth and Tania, who were born in Charlton in Victoria on 23 October 1965. The couple then moved to Victoria because Mr Geertsema had secured work in the construction industry there.
22. On 6 January 1968, Ms Geertsema gave birth to her third daughter Robyn. Not long after Robyn's birth it seems the family moved to Tasmania, again because of Mr Geertsema's work. They lived initially at or near Westbury, before apparently moving to the Mt Direction area of east Tamar, roughly half way between Launceston and George Town.¹⁶ Mr Geertsema was by then working at Bell Bay. While living at Mt Direction, Ms Geertsema gave birth to her fourth daughter, Sharon, on 25 March 1969. On 18 September 1969, Mr Geertsema was sentenced to a period of 3 months imprisonment for burglary. Whilst he was in prison, it would appear Ms Geertsema had a relationship with Mr Colin Jarman and fell pregnant. Her final daughter, Kathryn, was born on 12 August 1970.

¹⁵ 35 – 45 metres.

¹⁶ Indeed the Mt Direction Hotel – the Signal Station Tavern – is known in some circles as the 'half way house'.

23. Shortly after Kathryn was born, Ms Geertsema and her husband separated. It seems the separation was, perhaps, the result of Ms Geertsema disclosing to Mr Geertsema she had been unfaithful with Mr Colin Jarman, and expressing some uncertainty as to Kathryn's paternity. Nonetheless Mr Geertsema and Ms Geertsema remained on good terms. Mr Geertsema left Tasmania and travelled to the Gove Peninsular in the Northern Territory to work.
24. The pair remained in contact, and the evidence suggests that after a period of about 6 months separation, Mr Geertsema returned to Tasmania to '*give things another go*'. However, not long after his return, he apparently discovered Ms Geertsema was seeing Mr Shepherd. In his evidence at the inquest he outlined an occasion, two nights after he and Ms Geertsema had recommenced their relationship, when a man he subsequently became aware was Mr Shepherd, knocked on the door of their home late at night. Mr Geertsema said a few days later he spoke to Ms Geertsema's grandmother, who told him she had seen Ms Geertsema had a battered and bruised face. Mr Geertsema said after this he spoke to Ms Geertsema, that she told him Mr Shepherd had bashed her but she still loved him (i.e. Mr Shepherd). Mr Geertsema, recognising that their relationship was over, gave Ms Geertsema \$2000 in cash (all his savings – a considerable sum of money at the time), and the couple's car, and left.¹⁷
25. Sometime in 1972 (Mr Shepherd's evidence at the inquest that he obtained a driver's licence in South Australia in 1972¹⁸ satisfies me as to the accuracy of the date) Ms Geertsema, Mr Shepherd and all 6 children moved to South Australia. At the time her mother Betty (who had separated from her husband Len a few years before) and her sister Dawn, were both living in South Australia. Where they lived – Henley, Reynella – or somewhere else, was not clear on the evidence, nor the length of time they stayed in the state. However, I do not think anything turns on it.
26. In any event it would seem that the stay in South Australia was a short one. Mr Shepherd said that one day in about June 1972, he returned home (he said to a flat at property at Reynella¹⁹) and found the place empty and that Ms Geertsema had left a note and '*gone back to Tasmania*'.²⁰
27. On 28 December 1972, Ms Geertsema gave birth to her final child, and only son, Ryan. Mr Shepherd was Ryan's father. Ryan was born when Ms Geertsema was apparently living in George Town. Mr Shepherd said he moved to George Town to

¹⁷ Exhibit C21, generally.

¹⁸ Exhibit C78.

¹⁹ Transcript, page 317.

²⁰ *Supra* – line 23.

live with Ms Geertsema, Kathryn and Ryan in 1973.²¹ After that, the evidence was that for some time during 1973, Ms Geertsema and Mr Shepherd lived for a time in the Launceston suburb of Trevallyn, in a house in Forest Road. This time coincided with Mr Shepherd recovering from a work injury to his left leg on 19 March 1973.

28. I found it difficult to be certain about the dates and times of Ms Geertsema's movements, travels and relationships. The accounts of witnesses varied considerably. Occasionally corroboration in the form of object evidentiary material assisted making findings. I have no doubt that the differences were generally the result of the effluxion of time. I do not consider that my inability to identify with any certainty where she lived at any particular time was especially important in the context of the inquest. In summary, it is enough to say that I am quite satisfied, having regard to the evidence as a whole that it is evident that Ms Geertsema lived a very peripatetic life.
29. In any event, by late 1975 (or possibly earlier) the 4 older girls - Tania, Elizabeth, Robyn and Sharon, Mr Geertsema's biological daughters – were either taken by, or sent to live with, him and his new partner in Gladstone in Queensland. The evidence about just why this happened varied. I am satisfied that the reasons for Ms Geertsema's decision to part with her children were mixed. It is quite clear to me that she had difficulty coping with the demands of motherhood. The girls were described as being '*uncontrollable*' with some suggestion that they may have been stealing or shoplifting. For example, her daughter Ms Tania Furber said in her evidence at the inquest that she was a 'bit of a ...rebel'.²²
30. On top of that was apparent financial pressure, to which her itinerant lifestyle no doubt contributed. That likely financial pressure was well illustrated by the evidence of Ms Geertsema's sister Ms Patricia Porter, who gave at the inquest about an occasion when in South Australia, Ms Geertsema and Mr Shepherd had no food for the children and so Ms Porter and her husband (who had very little money themselves) went to a local shop and bought 2 tins of tomato soup, bread and butter, to feed the children.²³
31. I think it fair to conclude that all these factors probably influenced her decision to send the four older girls to their father in Queensland. It is very clear Ms Geertsema was a regular correspondent. She wrote frequently to the girls, her former husband, her siblings and her mother.

²¹ Transcript, page 320.

²² Transcript, page 164.

²³ Transcript, page 93.

32. Returning to the narrative of Ms Geertsema's life in the early to mid -1970s, for a time, it was unclear how precisely how long, during 1975 Mr Shepherd and Ms Geertsema lived at a property at the hamlet of Birralea, not far from Westbury. Mr Shepherd said that one day he got home from work and Ms Geertsema had left and taken Kathryn and Ryan.²⁴ After a time Mr Shepherd says he visited Ms Geertsema who was by then living at property in Riseley Street, Meadows. This is likely to have been the second half of 1975.
33. In any event, by late 1975, Mr Shepherd and Ms Geertsema's relationship must have recommenced, as they moved together to Brisbane. The evidence seems to the family, which by now consisted of Ms Geertsema, Mr Shepherd, Kathryn and Ryan, lived in a home in the Brisbane suburb of Spring Hill for a period of around 6 months. During the time they lived at Spring Hill, Mr Shepherd worked at the Arnott's Biscuit factory then situated in Coronation Drive, Brisbane as a Biscuit Packaging Machine Operator.²⁵
34. There was evidence that during this time Mr Geertsema took the four girls to visit their mother in Brisbane.²⁶
35. After a time, what I might describe as the Brisbane period came to end. Mr Shepherd said he returned home from work one day and again found the house cleared out and Ms Geertsema and the children gone. There seems no reason to doubt his evidence about this issue.
36. By early 1977, Ms Geertsema was living at Pyengana, possibly for the second time. I am satisfied that in January of that year Ms Geertsema's sister, Ms Porter, visited and stayed with her at Pyengana for a short while. Her evidence very impressive. Ms Porter said she was certain in her memory as her son died in April 1977, and she was able to link the two events. I have no hesitation in accepting her evidence on this point. Her evidence was compelling, given in a straight forward manner. It seems to me to be the type of thing one would remember.
37. Later in 1978 Ms Geertsema lived for a time with her friend Ms Julie Rowe (now Julie Porter) at her home at Parkham, near Westbury.
38. By 1978, Ms Geertsema and Mr Shepherd had re-commenced their relationship again. On 16 October 1978 they rented premises – a two bedroom flat, at 58B Best Street,

²⁴ Transcript, page 328.

²⁵ Exhibit C79 – Statement of Service, John Shepherd, dated 5 May 1976.

²⁶ Exhibit C24 – Affidavit of Tania Furber, sworn 12 October 2013.

Devonport. The evidence was that after paying a \$100 bond and two weeks rent in advance, the family moved in. Both Kathryn and Ryan were enrolled at the nearby Devonport Primary School.²⁷

39. According to Mr Shepherd, he returned to 55B Best Street after work at about 6.00pm on Monday 23 October 1978. He was working in the timber industry as a bushman, near Westbury. When he got home, Ms Geertsema was present with Kathryn and Ryan. He said Ms Geertsema appeared to have been drinking, something she continued to do. Consuming, he said, 2 glasses of beer and 2 or 3 six ounce glasses of whisky.²⁸ After the children were put to bed, Mr Shepherd said that at about 10.00pm Ms Geertsema announced she wanted to go to Parkham, to see her friend Ms Julie Porter. Mr Shepherd described Ms Geertsema getting in the couple's Red Sunbird and leaving.²⁹ He said, both at the time, and subsequently, never saw her again and no idea what had become of her.

Witnesses and evidence

40. A total of 15 witnesses gave evidence at the inquest. Eight gave evidence by Zoom from their homes in Queensland, South Australia, other parts of Tasmania and the Northern Territory. The capability of the court Audio Visual equipment proved, once again, very poor. The poor quality hampered the conduct of the inquest. It meant family members, longing for answers and some measure of closure were not able to adequately follow the proceedings. It meant counsel and I had major difficulties following the evidence of some of the witnesses. The state of affairs was more unfortunate, given that the inquest was conducted nearly 2 years after the outbreak of the world wide COVID-19 pandemic, which required a significant change to the manner in which court proceedings (and many other aspects of daily life) have to be conducted. It is to my mind a fundamental access to justice issue, as well as a practical impediment to the important work of the court's coronial division. Adequate funding must be made available to ensure this is not repeated in the future.
41. In any event, the witnesses who gave evidence at the inquest were:
- a. Dawn Bishop;
 - b. Elizabeth Geertsema;
 - c. Robyn Geertsema;

²⁷ Exhibit C67 – Admission Register Devonport Primary School and exhibit C3, statement John Shepherd, 3 November 1978, page 1.

²⁸ Exhibit C3

²⁹ *Supra* – page 2, 'our car'.

- d. Patricia Porter;
 - e. Siert Geertsema;
 - f. Tanya Furber;
 - g. Helen Pocock;
 - h. Colin Jarman;
 - i. Julie Kennedy (Porter);
 - j. Gerald “Mickey” Rowe;
 - k. Diavolo Guerrerra (formerly Ryan Shepherd);
 - l. Kathryn Gray;
 - m. Wendy Shepherd;
 - n. Marlene Shepherd; and
 - o. John Shepherd.
42. In addition to the witnesses set out above the affidavits or statements of a great number of witnesses were tendered without the maker of those affidavits being called to give evidence and answer questions. In addition, a significant amount of documentary material was also tended as evidence at the inquest. The complete list of evidence tendered at the inquest is annexed to this finding.

The initial police investigation

43. The original missing person report was taken by then Sergeant Richard Parker of Tasmania Police at 7.30am on Wednesday, 25 October 1978.³⁰ The missing person report was tendered at the inquest. In it Ms Geertsema is described as “*in a very depressed state*”. The missing person report also includes information that the reasons for her disappearance and not known, that she was, “*emotionally unstable*”, pregnant, and had cancer.³¹ The only source of this information was Mr Shepherd.
44. As mentioned at the beginning of the finding, police went to an area near the Devonport Bluff where Ms Geertsema’s Holden Sunbird was parked, entered the vehicle and found photographs of Ms Geertsema’s children and a pair of ladies shoes.³² Relevant witnesses in particular Mr Gerald “Mickey” Rowe and Ms Julie Kennedy (brother and sister) were identified and spoken to.
45. Contemporary records indicate that Ms Kennedy told police that Ms Geertsema had “*told her she was pregnant and was going to Hobart*”.³³ The same contemporary

³⁰ Exhibit C2.

³¹ *Supra*.

³² Exhibit C4.

³³ Exhibit C5 – Report - Constable M How, 25 October 1978.

investigative records indicate that Ms Kennedy also told police that Ms Geertsema had told her she was “*leaving John Shepherd and was going back to live with Kennedy’s brother Mickey Rowe at Westbury.*”³⁴

46. Checks were carried out with airlines and the Bass Strait Ferry, without result. Police enquiries with Mr Rowe suggested that Ms Geertsema had tickets – either by airline or Bass Strait Ferry – to travel to the mainland of Australia. Enquiries carried out with various mainland police agencies were also fruitless.
47. Police carried out ground search in the general vicinity of the Mersey River foreshore and the Devonport Bluff. Those searches produced no result.
48. Contact was made by investigators with Ms Geertsema’s general practitioner Dr Wood of Deloraine who said that Ms Geertsema was not pregnant had no terminal illness and in fact was “*bright and cheerful*” when last he saw her, the same day she disappeared 23 October 1978.³⁵
49. Sergeant Parker took a statement from Mr Shepherd a few days later.³⁶ By then Mr Shepherd was living in Westbury and had been for “*the past week*”, which can only mean he had moved out of 58B Best Street, Devonport less than a week after Ms Geertsema’s disappearance, an unusual act unless certain she was not returning (or he was not actually living there). In his statement Mr Shepherd said:

“I have known Darlene Avis Geertsema for the past seven years. I have been living with her off and on since that time.

About 18 months ago I moved to Westbury with her and two children. Over the past seven years she has left me a few times to go and live with other men, she always came back and we got together again.

....

On Monday the 23.10.78 I arrived home from work at about 6.00 PM. The children and Darlene were home. We had some tea and sat down and had a few drinks. She appeared to be very worried about something. She also started drinking heavily especially as normally she didn’t drink much at all. She was drinking whisky straight from the bottle. She wouldn’t say what was wrong.

At about 10.00 PM that night she said that she wanted to go to Parkham and see a friend of hers, Julie Kennedy. She said that Julie was sick. I told her that it was too late but she insisted on going. In the end I told her to go if she wanted to go that bad.

³⁴ Exhibit C9, Report – Detective Constable Lutz, 9 November 1978, paragraph 6.

³⁵ *Supra.*

³⁶ Exhibit C3.

She then got into our car, a red Sunbird and drove off by herself.

At the time she was well under the influence, she had two glasses of beer in two or 3 six ounce glasses of whisky after I had got home.

One of the children told me that she had a few glasses before I got home. She told me that she would be home about midnight.

The next morning the 24.10.78 she hadn't arrived home. I thought she had probably stated Julie Kennedy's place for the night so I didn't worry too much.

I got the children dressed and off to school.

I hadn't heard from her by about 9:30 AM so I drove up to Julie's place at Parkham to see if she was there. I got there and Julie said that she hadn't seen her that night. I checked a few places she may have gone around Westbury but she wasn't anywhere."

50. In an affidavit tendered at the inquest now retired Sergeant Parker said:

"Something about the matter was odd and I later passed this on to Devonport CIB which at that time consisted of Detective Sergeant Max Bryan (now deceased) and Detective Sergeant Ashley Childs (also now deceased). Other members of CIB at that time were First Class Constable Dick Lutz and Detective Senior Constable Bob Marshall. I can't recall exactly who I spoke with but Mr Shepherd's demeanour concerned me. He displayed no emotion. I thought this was strange".³⁷

51. Police also carried out a search of the property at 58B Best Street, and adjoining properties, also without result.³⁸ Various members of Ms Geertsema's family were also spoken to by investigators. An extensive media campaign (at least by contemporary standards) was also carried out. By 28 November 1978, it is apparent that police had reached the view that all that could have been done to locate Ms Geertsema had by then been done, that there was "no evidence to support any thought of foul play" and that the file should be forwarded to the State Information Bureau.³⁹ This conclusion appears, at least in part, to be a consequence of police becoming aware that Ms Geertsema had left Mr Shepherd on two occasions in the past (although again the only source of that information logically could have been Mr Shepherd himself). I also observe that in reaching that conclusion neither Kathryn nor Ryan had been spoken to by police, an approach consistent with contemporary police procedures.

³⁷ Exhibit C44 - Affidavit Richard Parker, sworn 31 July 2015, page 2 of 2.

³⁸ Exhibit C11 – Statement Detective Constable Lutz, 23 November 1978.

³⁹ Exhibit C12 – Letter Acting Superintendent J. Nichols to Assistant Commissioner of Police H. Rainbird 28 November 1978.

52. One thing the contemporary investigation does not appear to have established was whether or not, in fact, Mr Shepherd was even living with Ms Geertsema and the children at 58B Best Street. That Mr Shepherd lived there seems to have been accepted and assumed as a fact. In reality, the situation appears to me to have been somewhat different. In his interview in 2015, Mr Shepherd told police he was living at Devonport “*most of the time*” because he is and Ms Geertsema’s relationship was “*a bit dicey*” and that they weren’t “*rushing into anything*”⁴⁰. In contrast, at the inquest he described living together at Devonport as “*like a honeymoon*”.⁴¹ The two accounts do not sit comfortably together.
53. I note Ms Gray’s evidence at the inquest about the last night she saw her mother. She said, and was not challenged, that:
- “we drove back to the flat, because we discussed it in the car. We stopped on the way to get fish and chips for tea. I remember that because it’s one of my favourite meals. And we went back to the flat. But on the way to the flat, mum said John was coming to see Ryan, and my reaction was not good, because that always lead to an argument or things like that”*.⁴²
54. On the basis of the evidence at the inquest I must say there is considerable doubt in my mind as to whether Mr Shepherd was actually living at 58B Best Street as at 23 October 1977.
55. Finally, I note that there was evidence at the inquest that various family members, including Ms Geertsema’s grandmother were concerned for her safety, considered that Mr Shepherd may have been responsible for her disappearance and told this to investigators.⁴³
56. After the decision to effectively archive the investigation, further investigations were carried out to positively rule out a suspected sighting of Ms Geertsema on a television programme at about Christmas of 1978. In addition, in January 1979, a second hand dealer from Devonport, Mr Brian Lawson made a statement to police in which he described a woman, who can realistically only have been Ms Geertsema (given that she identified herself by that name and the description he offered matches Ms Geertsema’s appearance in 1978), coming to his shop at Deloraine a couple of months earlier. He said she “*wanted to sell a quantity of furniture. She wanted to sell about five*

⁴⁰ Exhibit C49, ROI Transcript, page 21.

⁴¹ Transcript, page 338, line 35.

⁴² Transcript, page 252, line 33.

⁴³ See for example Exhibit C8 – Report Sergeant M Lawson, 1 November 1978

beds and five wardrobes or dressing tables". During their dealings Ms Geertsema told him that she was going to Melbourne with her "kids".⁴⁴

57. After this date and until Detective Sergeant Boyd's review in 2013, in practical terms little by way of formal investigation in respect of Ms Geertsema's disappearance occurred.

Kathryn and Diavolo's evidence

58. As I just noted neither Kathryn nor Diavolo were interviewed by police at the time of their mother's disappearance. That they were not interviewed, while unfortunate, is not at all surprising. Much has changed since 1978. Today children the age of Kathryn and Diavolo would be interviewed by police and their evidence treated seriously.
59. In any event, both spoke to investigators following the review in 2013 and both gave evidence at the inquest. Kathryn in particular was instrumental in having the review undertaken in the first place which led to the Coronial inquest.
60. She made a statement to police in May 2014.⁴⁵ I think it is important to set out at some length the content of that statement:

"The night/day of my mother's disappearance, I will tell it like I remember it. My mother picked up Ryan and me from the Devonport Primary School, which we had just started attending. In my mother's Red Sunbird Turano, I was sitting in the front seat and Ryan in the back seat. My mother showed me how airline tickets and the gifts she had brought for the girls, Tanya and Elizabeth for their 13th birthday. My mother, Ryan and I were so excited to be going to Queensland to see them.

My mother stopped on the way home to the flat and got fish and chips for tea, as it was one of my favourite meals. During the car trip, my mother said to Ryan and I "Guess who is coming over tonight". I said "John". My mother said "yes, he is coming to visit". My mother said that she needed to discuss things with John. I remember thinking that this would not be good.

When we got back to the flat, we sat down to our tea of fish and chips. I noticed that my mother was drinking out of her crystal horse and cart whiskey ornament. My mother looked and was acting very nervous. John Shepherd came over and my mother put Ryan and I to bed. Ryan and I heard my mother and John having a very heated argument. I came out of my room to check on my mother as I had always done in the past, but I was sent back to my room as usual.

⁴⁴ Exhibit C14, statement Brian Oscar Lawson either 12 or 21 January 1979.

⁴⁵ Exhibit C27, statement Kathryn Gray, dated 21 May 2014.

The arguing got worse and I could hear hitting sounds. Not long after, there was dead silence and no noise or movement. The next thing I heard was the front door slam and the car lights shining through my bedroom window. I know that I would have been looking out of my bedroom window to see whose car it was driving off. I just can't see anything in my mind, but I know I would have been looking.

Ryan was upset. I kept going back to him and cuddling him. Still no sound in the flat, only Ryan crying for mum. I can't remember looking around the flat to see if anyone was home, but I know I would have had a look at the time. Not long after the first car left, about half an hour or so later, a second car drove off. I can't remember the rest of the time Ryan and I were left alone.”⁴⁶

61. Ms Gray's evidence at the inquest apart from an inconsequential detail in relation to the whereabouts of the door, was consistent with the account given to police in 2014 which I have set out above. In addition Ms Gray participated in an interview on a current affairs programme on 24 March 1992.⁴⁷ The account she gave in that interview was largely consistent with her statement in 2014 and evidence in 2021. In addition to the account of 23 October 1978, Ms Gray said in the interview she had consulted a spiritualist who had given advice that her mother was alive and living on an island off the coast of Queensland. I do not think the spiritualist was correct and I do not think Ms Gray thought he or she was either.
62. The detail in her evidence I found particularly impressive. She recalled the meal she, Ryan and her mother had that night (fish and chips), the presents Ms Geertsema had for the twins' birthday (necklaces of the numeral '13' – and I note 23 October 1978 was their 13th birthday) and the decanter from which her mother was drinking.
63. Nonetheless, the evidence from Ms Gray must be approached with a good deal of caution. She was just eight years of age at the time her mother disappeared from her life forever. The events she described in 1992, 2014 and 2021 were a very long time ago. It is apparent to me that the terrible sense of loss she felt upon her mother's disappearance coloured, unconsciously no doubt, her recollection of what occurred. The fact that she had consulted a psychic (or psychics) and undergone hypnosis points to the potential, unwittingly, for inaccuracies to have crept in to her recollection of what occurred.
64. I approach her evidence with caution for all of those reasons.

⁴⁶ *Supra*, pages 4 - 5 of 7.

⁴⁷ Exhibit C28.

65. Diavolo Guerrero's evidence is to be approached with an even greater degree of caution. It will be remembered that he was Ms Geertsema's youngest child, and only son. He was a very little boy, aged just five years, when his mother disappeared. Mr Guerrero made a statement to police in September 2013, when he was still known as Ryan Shepherd.⁴⁸ In that statement in respect of the night his mother disappeared he said:

"The last time I remember seeing my mother, I was five years of age. Mum was walking around the lounge drinking from a whiskey decanter. She appeared nervous and was pacing back and forth. Mum was drinking heavy [sic] that night. I had never seen mum drinks so heavy [sic] before. I was supposed to be asleep was watching through my partially opened bedroom doorway. Dad was in bed asleep at the time. I don't remember whether it was late, but dad would often go to bed early as he had an early start for work. I can't recall if mum was saying anything. [Kathryn] was asleep; [Kathryn] got up and asked me what I was doing. I told [Kathryn] to go back to bed. The last time Mum spoke to me, was when she gave me a kiss good night before she started drinking that night. I never spoke to Mum again. I then went to sleep. When I woke up the next morning, dad took [Kathryn] night to his parents' house. I don't know what happened. I can't recall dad saying anything. I remember asking dad where Mum was, and he told me he did not know."

66. At the inquest Mr Guerrero gave a materially different account to that set out above, including additional details suggesting that he now recalled on the night of his mother's disappearance someone coming to the front door. He also said that now, despite what he said in his 2013 statement, he had no memory of his parents ever fighting or becoming physical with each other. It was evident to me that Mr Guerrero was obviously distressed when giving his evidence and anxious to protect his father. He himself expressed real confusion over what a 'true' memory was and what was reconstruction as a result of what he had been told. This is hardly surprising given that he was five years of age when his mother disappeared. Mr Guerrero also gave evidence of his difficulties with substance abuse which clearly affected his evidence.
67. I reject his evidence in his email sent to the Coroner's office by email on 25 October 2021.⁴⁹ I do not consider Mr Guerrero's evidence about what occurred on 23 October 1978 can be regarded as reliable.

⁴⁸ Exhibit C30, Affidavit, Ryan Shepherd, 13 September 2013.

⁴⁹ Exhibit C77.

Mr Shepherd's more recent evidence

68. Mr Shepherd was interviewed at some length in 2015 when the investigation in relation to Ms Geertsema's disappearance was renewed. In that interview he said on the night of 23 October 1978, he and Ms Geertsema did not argue and there had been no hitting. He described Ms Geertsema as slamming the door when she left the Best Street address.
69. In his evidence at the inquest Mr Shepherd said when he got home from work on 23 October 1978, Ms Geertsema seemed a "*bit way offish, strange*".⁵⁰ He said she rebuffed his shows of affection. He said that she was drinking Jim Beam whiskey and he had some stubbies of beer. At the inquest, Mr Shepherd said the pair disagreed about Ms Geertsema going to see Julie Porter at Parkham and that they "*got pretty loud*";⁵¹ a subtle but important difference to the account given in 2015 and different also to his original account where no mention is made of any argument. Finally, he denied any physical contact with Ms Geertsema that night, at interview and in evidence at the inquest.
70. Thus there are two completely different accounts of what occurred that night: Ms Gray's accounts which if accepted strongly suggests that Mr Shepherd was in some way responsible for her mother's disappearance; and Mr Shepherd's which, if accepted, would lead to the opposite conclusion.

The nature of Mr Shepherd and Ms Geertsema's relationship

71. In endeavouring to determine the circumstances of Ms Geertsema's death, it is necessary to carefully consider the extensive evidence about the nature of the Mr Shepherd and Ms Geertsema's relationship. A number of witnesses at the inquest gave evidence which cast particular light on that relationship. In my view the evidence leads only to the inescapable conclusion that the relationship was what might be described as "on-off" and categorised by a significant degree of violence inflicted upon Ms Geertsema by Mr Shepherd.
72. Mr Shepherd himself admitted to assaulting Ms Geertsema, but on only one occasion. Even then he appeared to me to be at pains to downplay the significance of that assault, describing it as '*just a backhand*' strike.⁵² However, the evidence from numerous other witnesses – Ms Gray, Ms Pocock, Ms Dawn Bishop, Ms Porter, Ms

⁵⁰ Transcript, page 339.

⁵¹ Transcript, page 341.

⁵² Exhibit C49 ROI transcript, pages 19 - 20, transcript of evidence page 353.

Elizabeth Geertsema, Mr Siert Geertsema and Mr Jarman for example amongst others - was all directly supportive of a conclusion that Mr Shepherd had seriously assaulted Ms Geertsema on a number of occasions over the course of their relationship. It may of course be thought that several of those witnesses such as Ms Geertsema's daughters and sisters, were likely to be biased against Mr Shepherd (although I do note Ms Pocock's initial impression of Mr Shepherd was quite favourable describing him as '*pleasant and good with the children*'⁵³).

73. And it is true that several witnesses strongly expressed the opinion that they considered Mr Shepherd was responsible for Ms Geertsema's disappearance and death. But Mr Siert Geertsema and Mr Jarman were not witnesses who could be categorised in that way. Neither demonstrated any particular animus towards Mr Shepherd. Mr Jarman in particular seemed especially forgiving (if that be the correct word) of Mr Shepherd's violence towards his own sister. Both gave clear evidence that they witnessed the aftermath of assaults by Mr Shepherd upon Ms Geertsema.
74. Although I expressed some reservation about Ms Gray's evidence that does not mean that it is to be disregarded completely. Rather, I consider it should be approached with appropriate caution. Bearing that in mind, one aspect of her evidence I thought persuasive. She described an incident which I found particularly compelling and which was directly corroborative, in my view of Mr Shepherd's propensity to inflict violence on his intimate partners generally, and Ms Geertsema in particular. She described a chilling incident at Mr Shepherd's parent's home in Westbury where, whilst sitting on a wood box, she witnessed Mr Shepherd assault her mother. During the assault she said Mr Shepherd used words to her to the effect that '*one day this will be you*'.⁵⁴
75. Many other witnesses described Ms Geertsema as showing signs of having been assaulted by Mr Shepherd. Ms Pocock described an incident of her sister being battered, with a '*very black and puffy face...eyes bloodshot [and] nose swollen*'.⁵⁵
76. Ms Bishop gave evidence about the same incident. She said Ms Geertsema was '*bruised and swollen all over her face*'.⁵⁶ Ms Geertsema initially told her sisters and grandmother that her injuries were due to an attack by a group of girls. Eventually, she acknowledged she had been injured by Mr Shepherd.

⁵³ Exhibit C32, paragraph 11.

⁵⁴ Exhibit C27, page 2 of 7.

⁵⁵ Exhibit C32, paragraph 12.

⁵⁶ Exhibit C34, paragraph 14.

77. In the same vein, Ms Tania Furber described witnessing actual acts of violence committed by Mr Shepherd upon her mother, and the aftermath of such attacks including seeing her mother with black eyes and bruises.⁵⁷
78. There was also a considerable amount of evidence about Mr Shepherd's treatment of other intimate partners. I heard evidence from Mr Shepherd's first wife Ms Wendy Shepherd at the inquest. The couple married in February 1967. Ms Wendy Shepherd described Mr Shepherd as a violent man, with an uncontrollable temper who inflicted serious injuries upon her on numerous occasions.⁵⁸ That she had been ferociously assaulted by Mr Shepherd to the extent that she suffered a fractured jaw and fractured ribs was not challenged by Mr Shepherd. I accept her evidence about the point. I consider she was a palpably honest witness with absolutely no reason to give an account that was anything other than true. I found her evidence was compelling.
79. Mr Shepherd himself said in his evidence to the inquest that he did hit Mrs Wendy Shepherd "*more than once.*"⁵⁹ I am quite satisfied that Mrs Wendy Shepherd's evidence, that she was the victim of appalling violence at the hands of Mr Shepherd, was true. Like much of his evidence at the inquest, Mr Shepherd's account of his marriage to Mrs Wendy Shepherd was implausible and unimpressive.
80. Mr Jarman also provided support for a conclusion Mr Shepherd had a practice of inflicting violence upon his intimate partners. Mr Jarman was the brother of Mrs Wendy Shepherd, He told the inquest that he was aware of an occasion during that marriage when Mr Shepherd gave his sister a '*clipping*' (his description, not mine). Mr Jarman said he confronted Mr Shepherd about the incident with his sister but, as I understood him, seemed to content with Mr Shepherd's explanation that he had committed the assault upon his wife because she '*had been out all night*'.⁶⁰
81. Support for a conclusion that Mr Shepherd had a long time propensity for the infliction of violence upon intimate partners was also to be found in the evidence of his current wife, Mrs Marlene Shepherd. After initially agreeing that she had been the victim of physical aggression at the hands of Mr Shepherd, by being pushed and shoved on one occasion ("*once that [she could] remember*"⁶¹), Mrs Shepherd reluctantly agreed she had also been assaulted more than once. She also said that early in their relationship, which commenced after she took a position as a housekeeper in 1980,

⁵⁷ Exhibit C24, page 2 of 3.

⁵⁸ See exhibit C41, generally.

⁵⁹ Transcript, page 354, line 15 and following.

⁶⁰ Transcript, page 179.

⁶¹ Transcript, page 298.

Mr Shepherd had “a lot of aggression in him, that he overstepped boundaries with alcohol and would push and shove her”.⁶²

82. I do consider that Mrs Marlene Shepherd was, perhaps understandably, consciously and deliberately downplaying the extent of the physical aggression she had suffered in the past from her husband.
83. I note that Mr Shepherd agreed that he had assaulted Mrs Marlene Shepherd. However, as with his evidence in relation to Ms Geertsema, he said that he did so on one occasion only. Again (as with his evidence about a solitary assault upon Ms Geertsema) it seemed to me he failed to appreciate the seriousness of his behaviour or, probably more likely was deliberately endeavouring to downplay the extent of his violence towards women. Again, his evidence about his violence towards Mrs Marlene Shepherd was inherently improbable, implausible and unimpressive. I did not consider Mr Shepherd to be a witness of the truth.
84. Viewing the evidence as a whole I consider that the evidence of Mrs Marlene Shepherd, Mrs Wendy Shepherd and Mr Colin Jarman, as well as the evidence of Mr Shepherd himself, and that also set out above all establishes a clear pattern of behaviour on the part of Mr Shepherd to inflict violence on women with whom he was in a relationship.
85. Mr Shepherd described himself as jealous of Ms Geertsema’s relationships with other men. He told investigators in 2015 that they had had a ‘few arguments’ over ‘fellas’.⁶³ That description of jealousy is entirely consistent with the evidence of his first wife, Mrs Wendy Shepherd. It also sits very comfortably with the evidence of Mr Shepherd being ‘suicidal’ in around 1971 when he saw Ms Geertsema at the go-karts with a ‘young man’.
86. Also in evidence was a letter from Ms Geertsema to her uncle and aunt. Contextually, the letter must have been sent in 1977. It speaks of her unhappiness ‘living like this’ and indicates she is about to move to Parkham.⁶⁴
87. In summary, there was a plethora of evidence that Mr Shepherd was prone to carrying out acts of violence against women with whom his was in a relationship. There was considerable evidence of Mr Shepherd’s jealousy. I am very satisfied that he had inflicted violence on a number of occasions on Ms Geertsema during the course of

⁶² Exhibit C39.

⁶³ Exhibit C49 ROI transcript, page 18.

⁶⁴ Exhibit C56.

their relationship. I reject his denials in this regard and I specifically reject his claim that he only struck Ms Geertsema once with a backhand during the course of their relationship.

88. Also significant to my mind was the body of evidence relating to disputes or disagreements between Ms Geertsema and Mr Shepherd about Ryan. Ms Furber said in her affidavit tendered at the inquest:⁶⁵

*“During their relationship we moved several times, mum was always trying to hide from him. We would move approximately once every year. Mum was looking after Ryan and John will always find us because he wanted Ryan back”.*⁶⁶

89. Ms Furber gave evidence at the inquest entirely consistent with this account. It was not challenged.
90. Her sister, Ms Robyn Grauner, also gave clear evidence about disputes between Ms Geertsema and Mr Shepherd over Ryan. She described in her statement⁶⁷ witnessing a fight between Ms Geertsema and Mr Shepherd over Ryan which she said involved a “sort of playing tug-of-war with him”.⁶⁸ Another of Ms Geertsema’s daughters, Elizabeth Geertsema, gave evidence which supports a finding that the couple fought regularly over Ryan.
91. I did not understand Mr Shepherd to challenge the suggestion that he and Ms Geertsema had quarrelled over Ryan. I am quite satisfied that they did and did frequently.

Ms Geertsema’s future intentions

92. The issue of Ms Geertsema’s future intention was very important in the context of the inquest for two reasons. First, it went to the issue of whether or not her death may have been due to suicide. I will return to this aspect in this finding in due course. Second, it was also relevant in assessing what may have occurred as between Mr Shepherd and Ms Geertsema at the Best Street property on the night of 23 October 1978.
93. Ms Gray gave evidence of her mother being in possession that night of tickets for her, her mother, and Ryan to travel to the mainland that night. Mr Lawson, the second

⁶⁵ Exhibit C24.

⁶⁶ *Op cit*, page 2 of 3.

⁶⁷ Exhibit C25.

⁶⁸ *Op cit*, paragraph 43.

hand dealer from Deloraine who came forward in January 1979, whose evidence I have already mentioned, also gave evidence of Ms Geertsema indicating an intention to move to the mainland.

94. Ms Geertsema's sister Ms Helen Pocock gave evidence of her sister expressing an intention to marry Mr Rowe.
95. That evidence was corroborated by Mr Siert Geertsema. He said that he received regular cards and letters from Ms Geertsema (as did his wife – although that correspondence was '*spiteful*',⁶⁹) Mr Geertsema said that he received a letter in which she indicated that she had met a footballer from Westbury, named Mick Rowe, that they were engaged and intended to marry and move to Victoria.
96. Mr Rowe, who also gave evidence at the inquest which provided some support for the idea he and Ms Geertsema were, in the immediate lead up to her disappearance, making plans for the future. He said that he and Ms Geertsema had an affair in around 1977 -1978.⁷⁰ Although those plans may not, at least in Mr Rowe's mind have involved marriage, they certainly at the very least involved discussions about moving in together.⁷¹
97. Ms Geertsema's sister, Ms Patricia Porter, gave evidence about their mother receiving a letter (which she had read) in which Ms Geertsema indicated she was sick of Tasmania and people in it and asking for permission to move to their mother's house in South Australia. In particular Ms Geertsema made it clear that it would just be her, Kathryn and Ryan and specifically she did not want Mr Shepherd to know.⁷²
98. Ms Helen Pocock, another of Ms Geertsema's sisters said in her evidence⁷³ that she received a letter from Ms Geertsema in November 1978 telling her she was coming to Darwin for Christmas, that she had booked her car on the ferry and that when she returned to Tasmania she was intending to marry Mr Rowe. Ms Pocock did not hear from her sister again.
99. Material compiled as part of the original investigation indicates that Mr Rowe had been interviewed by Launceston police and stated that he had spoken to Ms Geertsema

⁶⁹ Exhibit C21.

⁷⁰ Transcript, page 207.

⁷¹ *Supra*.

⁷² Transcript, page 96.

⁷³ Exhibit C32.

around midday the day before she disappeared. The report indicates that Ms Geertsema had told Mr Rowe that she was in possession of tickets to the mainland.⁷⁴

100. In addition, contemporary investigators were handed a letter dated 23 October 1978, from Mrs Geertsema, Ms Geertsema's mother, to her. That letter makes very clear that Ms Geertsema was unsettled in Tasmania and intending to leave.⁷⁵
101. The evidence from Ms Gray, Mr Geertsema, Mr Rowe, Ms Porter and Ms Pocock, as well as contemporary material from the investigation, all suggest to me that by 23 October 1978, Ms Geertsema was making plans for a future which did not involve Mr Shepherd.

The Parkham property

102. During the months leading up to October 1978, and before moving into the unit at 58B Best Street, Devonport, Ms Geertsema lived with Ms Julie Porter (formerly Rowe and Kennedy) at a property at Parkham. Parkham is a rural locality, not far from Westbury. Ms Porter was the sister of Mr Rowe. When the two women lived together Kathryn and Ryan lived with them as did Ms Porter's four children.
103. It is evident that Ms Porter and Ms Geertsema were close friends. Ms Porter said in her evidence⁷⁶ that the pair first met at a cabaret at the Westbury Hotel after the end of her first marriage.⁷⁷
104. Mr Shepherd gave evidence that whilst Ms Geertsema was living with Ms Porter at Parkham he went to the address to, in effect, confront Mr Rowe and Ms Geertsema. He had with him a woman called Sue Langley⁷⁸ who was apparently Mr Rowe's partner (or former partner). At about 11.00pm one night he described walking into the home without knocking before entering the bedroom where Ms Geertsema and Mr Rowe were in bed together. He said by way of explanation that the incident occurred because Mr Rowe's partner, Ms Sue Langley, (who in his own words he "*hardly knew*") asked him to accompany her there. Mr Shepherd denied his presence was motivated by either jealousy or possessiveness (or both).⁷⁹ I found his explanation about the

⁷⁴ Exhibit C4.

⁷⁵ Exhibit C8.

⁷⁶ Exhibit C37.

⁷⁷ Transcript, page 189.

⁷⁸ Ms Langley is likely to be the same person who reported to police she believed she had seen Ms Geertsema on a television programme at about Christmas 1978. The person identified as being possibly Ms Geertsema was definitively identified as someone else, as Ms Onto.

⁷⁹ Transcript, page 396.

reason for the visit very unconvincing. To my mind it was clear evidence of jealousy and possessiveness.

105. I do note that Mr Rowe could not recall the visit by Mr Shepherd and Ms Langley occurring. Nonetheless, I am quite satisfied by Mr Shepherd's evidence that it did.
106. One aspect of Ms Geertsema's time at Parkham was however confusing. Ms Porter said in her evidence that she was unaware Ms Geertsema and her brother Mr Rowe were in a relationship, saying she was "*pretty sure they were never in a relationship*".⁸⁰ On the other hand Mr Rowe said that he was living with Ms Geertsema and his sister at the Parkham property "*for roughly about three months*".⁸¹ I do not think much turns on the point.
107. Ms Porter provided evidence that supported the on/off nature of the relationship between Ms Geertsema and Mr Shepherd. She said that Ms Geertsema "*would tell [her] that things were not working out*" between her and Mr Shepherd.⁸² Also, I consider her evidence was obviously wrong about Ms Geertsema living with her up to the day of her disappearance on 23 October 1978. I should make it clear that I do not think Ms Porter was dishonest, merely confused by the passage of 43 years since the day.

Mr Shepherd's behaviour after 23 October 1978

108. It is also important to look at the evidence relating to Mr Shepherd's behaviour and movements after the night of 23 October 1978. For some of it we have only evidence of Mr Shepherd himself. He initially told police in 1978 that the following morning when Ms Geertsema had not arrived home he got the two children dressed and took them to school.
109. In his contemporary statement he said that when Ms Geertsema hadn't arrived home the following morning he "*didn't worry too much*".⁸³ However at the inquest when he gave evidence he said he "*didn't have a real good night's sleep [he] kept waiting for her to come home.*"⁸⁴
110. He said because he had not heard from Ms Geertsema, he drove to Ms Porter's house at Parkham where he spoke to Ms Porter who told him she had not seen her that night. Ms Porter's evidence was to the effect that so nothing of the sort occurred. She

⁸⁰ Exhibit C37, paragraph 13 and transcript page 192.

⁸¹ Transcript, page 207 line 30 and following; exhibit C36, paragraph 9.

⁸² *Supra*, paragraph 6.

⁸³ Exhibit C3.

⁸⁴ Transcript, page 342, line 30 and following.

said that Mr Shepherd only went to Parkham once and in the company of a police officer to collect the children's clothes. She could not remember if it was before or after Ms Geertsema disappeared.⁸⁵

111. Continuing with Mr Shepherd's account, he said that he then drove around various places in the area of Westbury and looked for the red Sunbird in an attempt to locate Ms Geertsema. His search was unsuccessful and at about 3.00pm he went back to Devonport Primary, picked up Kathryn and Ryan and went back to Best Street in the hope that Ms Geertsema would turn up.
112. Mr Shepherd said that he then returned to Ms Porter's home at Parkham where he left Kathryn and Ryan for Ms Porter to look after before he returned to Devonport.
113. In the same statement he said that at about 7.30am the following day (by now Wednesday, 25 October 1978), he commenced to look around Devonport for Ms Geertsema and in the course of doing so located her vehicle near the Bluff.
114. When interviewed by police in 2015 during the reinvestigation of Ms Geertsema's death, he gave an account more or less the same although included some additional detail in relation to places he had visited in the Westbury area looking for Ms Geertsema.
115. At the inquest, he added further detail in respect of his searches for Ms Geertsema in the immediate aftermath of 23 October 1978. He said that when he went to Westbury he called at Ms Geertsema's grandmother's former home and spoke to the occupant. He said he also drove to Launceston to see Mr Styles, Ms Geertsema's father. None of this additional detail is able to be verified of course. In particular, Mr Styles has been dead for many years.

What happened to Ms Geertsema?

116. Being quite satisfied as I am that Ms Geertsema is dead, it seems to me that there are four possibilities:
 - a. Suicide;
 - b. Misadventure;
 - c. Left the state and died later; and

⁸⁵ Transcript, page 191 – 192.

d. Homicide.

117. I will deal with each possibility in turn.

Suicide

118. The only evidence suggestive that Ms Geertsema may have taken her own life was from Mr Shepherd. He described her as being in a '*distressed condition*' when he last saw her when he reported her missing to Devonport Police in 1978⁸⁶. He said she was '*worried about something*' in his statement made shortly after her disappearance.⁸⁷

119. Mr Shepherd's description, even if accepted, of Ms Geertsema being in a '*distressed condition*' and/or being '*worried about something*' falls significantly short in my view of evidence indicative of suicidal ideation, let alone intention. There is no other evidence, from any source at all, that Ms Geertsema displayed any behaviours suggesting she was in October 1978, or indeed at any time, suicidal. In fact, all the other evidence in this regard is completely the opposite.

120. It does seem reasonable to conclude that Ms Geertsema was something of a hypochondriac. The evidence of her GP, Dr Woods, and really everyone who knew her suggest as much. However, hypochondria or exaggeration or whatever it was, whilst somewhat unusual, is not, to my mind evidence of suicidal ideation or intent.

121. In contrast there is no evidence (apart from Mr Shepherd) of any distress, anxiety or particular unhappiness on Ms Geertsema's behalf before her disappearance. In fact the evidence of everyone that knew her – including importantly her GP Dr Woods, as well as family and friends – suggest she was of a sunny, happy disposition, who gave no indication of any suicidal ideation or intent.

122. In addition she had clear plans for the future, which I have discussed above.

123. In short, there is no evidence which supports a conclusion that Ms Geertsema was suicidal. Specifically, there is no evidence at all which would support a finding that Ms Geertsema took her own life.

124. In reaching this conclusion I do not overlook the area where her car was found, nor the evidence as to the finding of women's shoes and photographs of some of the children, that contemporary reports indicate were located in the car. It seems to me that equally relevant to attempting to discern whether suicidal ideation or intent is to

⁸⁶ Exhibit C2 – Missing Person Report.

⁸⁷ Exhibit C3, *op cit*.

be gleaned from where the car was and what was in it when found, was the fact that retired Sergeant Parker's report at the time, tendered at the inquest,⁸⁸ indicates that no note or similar was located in the vehicle.

125. The car, where it was and what was and was not in it when police forced entry does not in my view advance the hypothesis for or against suicide.

Misadventure

126. I consider that had Ms Geertsema died by accident (other than perhaps accidental drowning) then it is almost certain her body would have been found. This conclusion is subject I suppose to the possibility she died by accident but someone else was in some way involved, and covered up her death. That cannot be considered likely or realistically even possible. Frankly, it is the stuff of crime novels.
127. There is no evidence which would support a finding the Ms Geertsema's death was due to misadventure.

Left the State and died later

128. It is logically possible that immediately following her drinking at home on 23 October 1978, Ms Geertsema left her home, her children, and left the State, relocating to the mainland where she died later. However, this is at the very least, inherently unlikely. There are several reasons for reaching this conclusion. First, the contemporary police investigation did not reveal any evidence of her leaving the state by air or sea. I suppose that there was the possibility of a so-called 'walk on' to a ferry, but given the evidence she had tickets of some type, such a conclusion can be discounted.
129. Second, although evidence to conclude that Ms Geertsema was prone to leaving Mr Shepherd and relocating interstate (from Adelaide and Brisbane back to Tasmania for example) without warning, on the other occasions she did that she returned to Tasmania and she took Kathryn and Ryan with her. The evidence about Ms Geertsema's devotion to her children was unanimous. Everyone that knew her attested to the inherent improbability that she would abandon them. I have no difficulty accepting this. Furthermore, it seems to me from the evidence, particularly unlikely that Ms Geertsema would have left Kathryn with Mr Shepherd, given the absence of any biological relationship between the two. I am fortified in this conclusion by the fact that within a matter of days Mr Shepherd effectively gave Kathryn away into foster care.

⁸⁸ Exhibit C4.

130. Third, Ms Geertsema was a regular and reliable correspondent. She always remained in touch with her extended family – mother, siblings and children – by letter. If she had gone to the mainland, then I am in little doubt she would have continued that practice. All the evidence was that her steady correspondence with various members of her family stopped abruptly immediately after 23 October 1978.
131. Finally, despite a propensity to move about, often without warning, Ms Geertsema always eventually turned up somewhere, if I may use that expression. I am quite certain that if she had gone to the mainland some trace of her would have been found. She would have been in contact with someone in the family. Most likely, she would have reappeared in Tasmania, probably in the general area of Westbury. She of course had not.

Homicide

132. In considering whether I am satisfied on the evidence that Ms Geertsema was the victim of homicide I am especially mindful of the *Briginshaw*⁸⁹ standard and the prohibition on ‘including in a finding or comment any statement that a person is or may be guilty of an offence’.⁹⁰ ‘Offence’ must be taken to include crime.⁹¹ Equally, I have an obligation to make such findings as are open on the evidence as to the circumstances (how) Ms Geertsema died. The task is not one without difficulty.
133. In making the findings that follow it is important to bear in mind that homicide is the killing of a human being by another.⁹² Homicides may or may not be culpable,⁹³ and culpable homicides may or may not be murder.⁹⁴
134. Thus if at some stage in the future charges were brought against anyone arising out of Ms Geertsema’s death, then those charges would involve the consideration of a number of issues (intention, omission and the like) which are not any part of my function. My function is, as I have already pointed out, to make findings of fact.⁹⁵
135. So far as the possibility of homicide is concerned, the evidence indicates that the only person with might be described as motive and means as at 23 October 1976 was Mr Shepherd. In this regard I do not accept Mr Richardson’s submission on Mr Shepherd’s

⁸⁹ *Op cit.*

⁹⁰ Similar prohibitions are to be found in the Coroners Acts of other states and territories.

⁹¹ See section 46 of the *Acts Interpretation Act 1931*.

⁹² *Criminal Code Act 1924*, section 153.

⁹³ *Op cit*, section 156.

⁹⁴ *Op cit*, section 157.

⁹⁵ In this regard see generally *Perre v Chivell*, [2000] SASR 282.

behalf that Mr Rowe had a 'possible'⁹⁶ motive for wanting Ms Geertsema 'disappear'. In fact, the evidence points entirely in the opposite direction. Ms Geertsema and Mr Rowe appear to have re-kindled their relationship. I am quite satisfied that the couple had made plans for a future together of some type.

136. Nor is there any evidence of Mr Rowe of having the means or opportunity to have killed Ms Geertsema. At its highest is Mr Shepherd's submission that:

"Ms Geertsema told Mr Shepherd on the evening of 23/10/1978 that she was going to Mr Rowe's sister's home which may have placed her in close physical proximity to Mr Rowe on the night she was last seen".

137. In fact, the only evidence that Ms Geertsema said she intended to travel to Parkham to visit Ms Porter was from Mr Shepherd. Ms Porter was quite clear she received no such visit. No one else, reliable or otherwise, suggested that Ms Geertsema either intended to visit Ms Porter or in fact did visit Ms Porter. Thus the premise upon which the submission is based is, to my mind, flawed. This is even more so, when the reliability of Mr Shepherd's account of the evening is assessed, to which I will turn shortly.

138. To summarise, on the evidence at the inquest the only person with the means and motive to have killed Ms Geertsema was Mr Shepherd. What then is that evidence? In terms of means:

- a. I find on the basis of the evidence at the inquest that Mr Shepherd had a proven history of frequent violence against intimate partners – before, during and after relationship with Ms Geertsema.
- b. I find that Ms Geertsema and Mr Shepherd fought or quarrelled over access to Ryan not infrequently during the course of their relationship.
- c. I am satisfied that Mr Shepherd was the last adult to see Ms Geertsema alive. Even on his own account this was so. At the inquest he said, as I have pointed out earlier that the couple argued and 'got pretty loud',⁹⁷ which can only be interpreted as meaning that, by his own admission, the couple fought. I do note

⁹⁶ Noting that no actual motive –possible or otherwise – was ascribed to Mr Rowe in the written submissions filed on behalf of Mr Shepherd.

⁹⁷ Transcript, page 341, line 5.

Mr Shepherd he denied during cross examination that he touched Ms Geertsema that evening.⁹⁸ I do not accept his denial.

- d. I am satisfied Mr Shepherd drank alcohol on the night of 23 October 1978 and that he had an established propensity for inflicting violence upon intimate partners after the consumption of alcohol. The evidence of both his wives, Mrs Wendy Shepherd and Mrs Marlene Shepherd, in particular supports this conclusion.⁹⁹ Moreover, I note the entry in his medical record from 1971 to the effect that his 'main problem is alcoholism'.¹⁰⁰
- e. I am satisfied that Mr Shepherd had access to a motor vehicle which would have enabled him to move either an unconscious Ms Geertsema, or her body, from the Best Street accommodation. He had an HQ Holden and direct access to the Sunbird.¹⁰¹
- f. Finally, I am satisfied that Mr Shepherd was working as a bushman¹⁰² near Deloraine as at 23 October 1978. It follows he had access to bushland which would have enabled easy disposal of a body.

139. In terms of motive:

- a. I am satisfied that Ms Geertsema had firm plans for a future which did not involve Mr Shepherd but involved taking Kathryn and Ryan away to the mainland. She was described as nervous on the night disappeared by Kathryn. Mr Shepherd said she was worried about something.¹⁰³ It seems likely that she apprised Mr Shepherd of those plans, or he had become aware of them.
- b. I am quite satisfied that Mr Shepherd had a history of inflicting violence on intimate female partners.
- c. I am quite satisfied that Mr Shepherd had exhibited jealousy and possessive behaviour towards Ms Geertsema in the past, which had included the infliction of actual injury.

⁹⁸ Transcript, page 382, line 16.

⁹⁹ As to the former, see for example transcript page 279, lines 1-3; and as to the latter, transcript page 299, lines 8-11.

¹⁰⁰ Exhibit C52, page 33 of 113.

¹⁰¹ Exhibit C49, ROI, page 26.

¹⁰² *Op cit*, page 22.

¹⁰³ Exhibit C3.

- d. I am satisfied that the couple had a demonstrated history of fighting or arguing over Ryan.
140. For all these reasons I am satisfied to the requisite legal standard that Ms Geertsema died as a result of injuries inflicted upon her by Mr John Shepherd on the evening of 23 October 1978 at 58B Best Street, Devonport. I cannot determine on the evidence whether she died at that address or somewhere subsequent. I cannot determine the nature of those injuries. I cannot determine on the evidence the pathological cause of her death nor what became of her body.
141. I should make it very clear that I consider it unnecessary to make any finding in relation to the suggestion which emerged during evidence at the inquest that Mr Shepherd may have abused one or more children. I do not think that the allegation is in anyway relevant to the matters I am required to consider and did not in any way inform these conclusions.

Formal Findings

142. Pursuant to section 28(1) of the *Coroners Act 1995*, I make the following findings:
- a. The identity of the deceased is Darlene Avis Geertsema;
- b. Ms Geertsema died in the circumstances set out in this finding;
- c. I am unable to determine the cause of Ms Geertsema's death; and
- d. Ms Geertsema died at a place unknown but in the state of Tasmania on or shortly after 23 October 1978.

Closing remarks

143. The circumstances of Ms Geertsema's disappearance do not require me to make any comments or recommendations pursuant to section 28(1) of the *Coroners Act 1995*. Obviously, and thankfully, much has changed since 1978 so far as the treatment of violence towards women in our society is concerned.
144. Much has also changed in relation to the manner in which missing person investigations are carried out in the modern era. It is inconceivable that Ms Geertsema's disappearance and death would be investigated in 2021 in the manner in which it was 1978. In saying this I do not wish to be taken as criticising the police officers involved in the original investigation. The investigation conducted in 1978 after Ms Geertsema's disappearance was reported by Mr Shepherd and was completely

consistent with standards, practices and procedures in place at the time. It is just that those standards, practices and procedures have changed markedly in the last 45 or so years.

145. I express my particular thanks to Detective Sergeant Felicity Boyd whose tenacity, perseverance and professionalism were the reasons why Ms Geertsema's death were investigated properly so many years after she disappeared.
146. In conclusion I express my sincere and respectful condolences to all those who knew and loved Darlene Geertsema, especially to her six children who grew up without a mother and without knowing what happened to her.

Dated 10 June 2022 at Hobart in Tasmania

Simon Cooper
Coroner

Annexure

C1	Report of death	Snr Cst Felicity Boyd
C2	Missing Person Report	Sgt R Parker
C3	Statement	John Shepherd
C4	Report	Sgt Parker
C5	Report	I/C How
C6	Reports	RDS Tas. and NT
C7	Reports on search areas	Tas. Pol.
C8	Report and copy of letter from Betty Griffin to Dec.	Sgt Lawson
C9	Report - dated 9/11/1978	I/C Lutz
C10	Reports	RDS Tas. and Vic.
C11	Report – dated 23/11/1978	I/C Lutz
C12	Report	Inspector Byrne
C13	Report	Const. James
C14	Statement	Brian Oscar Lawson dated 12/1/1979
C15	Statement	Suzanne Langley dated 18/1/1979
C16	Reports – general enquiries between 23/1/1979 and 8/2/1979	Tas. Pol.
C17	Report	Superintendent D J Fenton dated 12/4/1979
C18	Reports transfer of investigation	Tas. Pol.
C19	Media Reports	

C20	Affidavit	S/C N McIntee
C21	Affidavit	Siert Fokko Geertsema
C22	Family Law Court Documentation	
C23	Affidavit	Elizabeth Anne Geertsema
C24	Affidavit	Tania Maree Furber
C25	Statement	Robyn June Grauner
C26	Statement	Sharon Patricia Scutt
C27	Statement	Kathryn Gray
C28	INTENTIONALLY LEFT BLANK	
C29	Statement	Constable P Halpin
C30	Affidavit	Ryan John Shepherd
C31	Affidavit	Wayne Leonard Styles
C32	Affidavit	Helen Pocock
C33	Statement	Patricia Rose Porter
C34	Affidavit	Dawn Lynette Bishop
C35	Affidavit	Ann Maree Kelly
C36	Affidavit	Gerald "Micky" Rowe
C37	Affidavit	June Constance Porter
C38	Statement	June Mary Duggan
C39	Statement	Marlene Joy Shepherd
C40	Letter	Helen Pocock to John Shepherd
C41	Affidavit	Wendy Jeanette Shepherd

C42	Affidavit	Colin Michael Jarman
C43	Affidavit	Mavis Jean Page
C44	Affidavit	Richard Parker (ex Sgt)
C45	Notes	Det. I/C Lutz
C46	Affidavit	S/C Felicity Boyd
C47	Affidavit	Kim Steele
C48	Statutory Declaration	Raymond James Groves
C49	Record of Interview	DEL with John Shepherd
C50	Floor plan of unit	Tas. Pol.
C51	Records of plans and permits to 58B Best Street, Devonport	1968 and 1970
C52	Medical records of John Shepherd and Darlene Geertsema	
C53	Media Related Documents	
C54	Misc property rec 264898	
C55	Report	FSST
C56	Letter from 1977	Hand written copy & typed copy
C57	Statutory Declaration	Lynn Styles
C58	Statutory Declaration	Julie Porter
C59	Statutory Declaration	Anthony Power
C60	Statutory Declaration	Gerald Michael Rowe
C61	Certificate re licence status	Gerald Michael Rowe
C62	Statutory Declaration & Annexure	Felicity Boyd

C63	Analysis Report Devonport to Parkham	
C64	Australian National Tide Tables 1978 Devonport	
C65	Report Bass Highway to Parkham	
C66	Copy Student file Deloraine high school Shepherd	
C67	Copy of Admission Register Devonport Primary School	
C68	The Bluff January 1978 Victoria Parade Image	
C69	The Bluff January 1978 Image	
C70	Statutory Declaration Dental Records	Genevieve Hickman
C71	Statutory Declaration	Kristine Sturzaker
C72	TasPol Entry	Kristine Sturzaker
C73	Medical Records	Kristine Sturzaker
C74	Interview Recording	Gerald Rowe
C75	Interview Recording	Gerald Rowe
C76	Transcript typed	Gerald Rowe
C77	Email 25 October 2021	Ryan Shepherd
C78	Drivers Licence South Australia	John Shepherd
C79	Certificate of service (Arnotts Biscuits)	John Shepherd